

Sewer Use Law
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West Carthage, and affording the Superintendent access thereto.

(9) Requirements for notification of the Village of West Carthage of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(10) Requirements for the notification of the Village of West Carthage of any change in the manufacturing and/or pretreatment process used by the permittee.

(11) Requirements for notification of excessive, accidental, or slug discharges.

(12) Other conditions as deemed appropriate by the Village of West Carthage to ensure compliance with this Law, and State and Federal laws, rules, and regulations.

Section 1004 D - Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years.

Section 1004 E - Permit Reissuance

The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Superintendent, during the term of the permit, as limitations or requirements, as identified in Section 1004 B, or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance as established in Section 1004 A (12)(a).

Section 1004 F - Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation, or discharge at a specific location. A Wastewater

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Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation.

Section 1004 G - Permit Revocation

Wastewater Discharge Permits may be revoked for the following reasons: falsifying self-monitoring reports, tampering with monitoring equipment, refusing to allow the Superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay fines, failure to pay user charges, and failure to meet compliance schedules.

Section 1004 H - Public Notification

The Village of West Carthage will publish in the Village of West Carthage official daily newspaper(s), informal notice of intent to issue a Wastewater Discharge Permit, at least 14 days prior to issuance.

Section 1005 - Reporting Requirements for Permittee

The reports or documents required to be submitted or maintained under this section shall be subject to:

- (a) The provisions of 18 USC Section 1001 relating to fraud and false statements;
- (b) The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and
- (c) The provisions of Section (c)(6) of the Act, as amended, regarding corporate officers.

(1) Baseline Monitoring Report

Within 180 days after promulgation of an applicable Federal Categorical Pretreatment Standard, a User subject to that standard shall submit, to the Superintendent, the information required by paragraphs (8) and (9) of Section 1004 A.

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(2) 90-Day Compliance Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards, or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge, from the regulated process, which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User's facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

(3) Periodic Compliance Reports

- (a) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Section 1004 A. At the discretion of the Superintendent, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted, however, no fewer than two reports shall be submitted per year.
- (b) The Superintendent may impose mass limitations on Users, which are using dilution to meet applicable Pretreatment

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Standards or Requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 1005 (3) (a) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the Superintendent, of pollutants contained therein, which are limited by the applicable Pretreatment Standard. All analyses shall be performed in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses.

(4) Violation Report

If sampling, performed by the user, indicates a violation of this Law and/or the User's discharge permit, the User shall notify the Superintendent within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The User is not required to re-sample if the POTW performs monitoring of the User's discharge at least once a month for the parameter which was violated, or if the POTW performs sampling, for the parameter which was violated, between the User's initial sampling and when the User receives the results of this sampling.

(5) Other reports

The Superintendent may impose reporting requirements equivalent to the requirements imposed by Section 1005(3) for users not subject to pretreatment standards.

Section 1006 - Flow Equalization

No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than 100,000 gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The

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facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A wastewater discharge permit may be issued solely for flow equalization.

Section 1007 - Monitoring Stations (Control Manholes)

- (a) All Significant Industrial Users, and other Industrial Users whose industrial waste discharge has caused or may cause Interference or Pass-Through shall install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.
- (b) If there is more than one street lateral serving an Industrial User, the Superintendent may require the installation of a control manhole on each lateral.
- (c) The Superintendent may require that such monitoring station(s) include equipment for the continuous measurement and recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessibly and safely located, and the Industrial User shall allow immediate access, without prior notice, to the station by the Superintendent, or his designated representative.

Section 1008 - Proper Design and Maintenance of Facilities and Monitoring Stations

Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and continuously operational by the owner at his expense. Where an Industrial User has such treatment, equalization, or monitoring facilities at the time this Law is enacted, the Superintendent may approve or disapprove the adequacy of such facilities. Where the Superintendent disapproves of such facilities and construction of new or upgraded facilities for treatment, equalization, or monitoring are required, plans and

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specifications for such facilities shall be prepared by a licensed professional engineer and submitted to the Superintendent. Construction of new or upgraded facilities shall not commence until written approval of the Superintendent has been obtained.

Section 1009 - Vandalism, Tampering with Measuring Devices

No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- i - any structure, appurtenance, or equipment which is a part of the Village of West Carthage POTW, or
- ii - any measuring, sampling, and/or testing device or mechanism installed pursuant to any requirement under this Law

except as approved by the Superintendent.

Section 1010 - Sampling and Analysis

Sampling shall be performed so that a representative portion of the wastewater is obtained for analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes required in any section of this Law shall be carried out in accordance with Standard Methods, by a laboratory certified by NYSDOH to perform the analyses. Such samples shall be taken at the approved monitoring stations described in Section 1007, if such a station exists. If an approved monitoring station is not required, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in Federal regulation, samples shall be gathered as flow proportioned (where feasible) composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

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Section 1011 - Accidental Discharges; SPCC Plan

Each user shall provide for protection from accidental or slug discharges of prohibited materials or discharges of materials in volume or concentration exceeding limitations of this Law or of an Industrial Wastewater Discharge Permit. Users shall immediately notify the Superintendent of the discharge of wastes in violation of this Law or any Permit. Such discharges may result from:

- (1) Breakdown of pretreatment equipment
- (2) Accidents caused by mechanical failure, or negligence
- (3) Other causes.

Where possible, such immediate notification shall allow the Superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement following any accidental or slug discharge, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the Superintendent shall receive a copy of such report no later than the fifth calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding 45 calendar days after the occurrence.

When required by the Superintendent, detailed plans and procedures to prevent accidental or slug discharges shall be submitted to the Superintendent, for approval. These plans and procedures shall be called a Spill Prevention, Control, and Countermeasure (SPCC) Plan. The plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any provision of the permit and any National Prohibitive Discharge Standard;
- (d) Procedures to prevent adverse impact from any accidental or

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slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 1012 - Posting Notices

In order that the Industrial User's employees be informed of the Village of West Carthage requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the Village of West Carthage requirements and when to call in case of an accidental discharge in violation of this law.

Section 1013 - Sample Splitting

When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the Village of West Carthage representative(s) shall gather sufficient volume of sample so that the sample can be split into two nearly equal volumes, each of size adequate for the anticipated analytical protocols including any Quality Control (QC) procedures. One of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the Village of West Carthage for its own analysis.

Section 1014 - Access to Information

When requested, the Superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

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Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this Law, or the SPDES Permit, providing that the governmental agency making the request agrees to hold the information confidential, in accordance with State or Federal Laws, Rules and Regulations. The Superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

Section 1015 A - Access to Property

The Superintendent and other authorized representatives of the Village of West Carthage, representatives of EPA, NYSDEC, NYSDOH, and/or Jefferson County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of Federal and State law governing use of the Village of West Carthage POTW, and with the provisions of this Law. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the User's property or property rented/leased by the User, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the User while the representatives are on the User's property or property rented/leased by the User. Such representative(s) shall, additionally have access to and may copy any records the User is required to maintain under this Law. Where a User has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 1015 B - Access to Easements

The Superintendent, bearing proper credentials and identification, shall be permitted to enter all private premises through which the Village of West Carthage holds an easement for the

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purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Village of West Carthage public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

Section 1015 C - Liability of Property Owner

During the performance, on private premises, of inspections, sampling, or other similar operations referred to in Sections 1014 A and 1014 B, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

Section 1016 - Special Agreements

Nothing in this Article shall be construed as preventing any special agreement or arrangement between the Village of West Carthage and any User of the POTW whereby wastewater of unusual strength or character is accepted into the POTW and specially treated, subject to any payments or user charges, as may be applicable. In entering into such a special agreement, the Village of West Carthage Board shall consider whether the wastewater will:

- (1) pass-through or cause interference
- (2) endanger the public municipal employees
- (3) cause violation of the SPDES Permit
- (4) interfere with any Purpose stated in Section 102
- (5) prevent the equitable compensation to the Village of West Carthage for wastewater conveyance and treatment, and sludge management and disposal

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No discharge which violates the Federal Pretreatment Standards
will be allowed under the terms of such special agreements.

END OF ARTICLE 10

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ARTICLE 11

ENFORCEMENT AND PENALTIES

Section 1101 - Enforcement Response Plan

ADMINISTRATIVE REMEDIES

Section 1102 - Notification of Violation

Section 1103 - Consent Orders

Section 1104 - Administrative or Compliance Orders

Section 1105 - Administrative Fines

Section 1106 - Cease and Desist Orders

Section 1107 - Termination of Permit

Section 1108 - Water Supply Severance

Section 1109 - Show Cause Hearing

Section 1110 - Failure of User to Petition the
Superintendent

Section 1111 - Notice

Section 1112 - Right to Choose Multiple Remedies

JUDICIAL REMEDIES

Section 1113 - Civil Actions for Penalties

Section 1114 - Court Orders

Section 1115 - Criminal Penalties

Section 1116 - Injunctive Relief

Section 1117 - Summary Abatement

MISCELLANEOUS

Section 1118 - Delinquent Payments

Section 1119 - Performance Bonds

Section 1120 - Liability Insurance

Section 1121 - Informant Rewards

Section 1122 - Public Notification

Section 1123 - Contractor Listings

Section 1101 - Enforcement Response Plan

The Superintendent shall prepare an Enforcement Response Plan.

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The Enforcement Response Plan, in a step-by-step fashion, shall outline the procedures to be followed to identify, document, and respond to violations by Users of the POTW. All violations by Users of the POTW shall be met with some type of enforcement response. The response shall be comprehensive and effective.

The Enforcement Response Plan shall:

- (1) describe how the Superintendent will investigate instances of non-compliance
- (2) describe the types of escalated enforcement actions that the Superintendent will take in response to all anticipated types of User violations and the time periods within which to initiate and follow-up these actions
- (3) adequately reflect the Village of West Carthage Board's responsibility to enforce all applicable standards and requirements.

The Enforcement Response Plan shall contain:

- (1) criteria for scheduling periodic inspection and/or sampling visits to POTW Users
- (2) forms and guidelines for documenting compliance data in a manner which will enable the information to be used as evidence
- (3) systems to track due dates, compliance schedule milestones, and pending enforcement actions
- (4) criteria, responsible personnel, and procedures to select and initiate an enforcement action.

The range of appropriate enforcement actions shall be based on the nature and severity of the violation and other relevant factors, such as:

- magnitude of the violation
- duration of the violation

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~
~~COUNTY~~

~~CITY~~

~~TOWN~~

Village

of Carthage

Local Law No. 5-A of the year 19⁹⁷

A local law known as "Amendment to Sewer Use Law, Chapter 110 of the
(Insert Title)
Village of Carthage Code".

Be it enacted by the Village Board of the
(Name of Legislative Body)

~~COUNTY~~

~~CITY~~

~~TOWN~~

Village

of Carthage

as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted under Article 4 of the Village Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York hereby enact as follows:

Article 2. - Statement of Findings and Purpose. The Board of Trustees of the Village of Carthage administers jointly with the Village of West Carthage a water pollution control plant. In conjunction with New York State Department of Environmental Conservation Rules and Regulations, it is necessary to have an adequate enforcement response plan meeting DEC regulations. It is the purpose of this local law to amend the current Section 11.01 of Chapter 110 of the Village of Carthage Code to enact an adequate enforcement response plan.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby repeals the existing Section 11.01 of Chapter 110 of the Village of Carthage Code and in its place instead, adopts the following:

Section 110-11.01 Enforcement Response Plan.

1. This plan will describe how the Village of Carthage will investigate instances of noncompliance. Also, it will describe the types of escalated enforcement actions that

(If additional space is needed, attach pages the same size as this sheet, and number each.)

the Village will take in response to all anticipated types of industrial user violations and the time periods within which to initiate and follow up these actions. Finally, it will adequately reflect the Village's primary responsibility to enforce all applicable pretreatment standards and requirements, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

2. Description of Terms.

Terms and abbreviations used in the plan are defined below. Specific enforcement responses that appear on this plan are described in Chapter 5 of the EPA manual, "Guidance for Developing Control Authority Enforcement Response Plans", dated September 1989.

AO	Administrative Order
Civil Litigation	Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Village Board. Fines should be assessed by the Pretreatment Officer.
IU	Industrial User
LT	Laboratory Technician
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation
PO	Pretreatment Officer
VB	Village Board
SV	Significant Violation

Show Cause

Formal meeting requiring the IU to appear and demonstrate why the VB should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

SNC Determination

Significant Noncompliance
Determination

- A. 66 percent or more violations
 - B. 33 percent or more TRC violations
 - C. Interference or pass through
 - D. Imminent endangerment to health or the environment
 - E. Failure to meet compliance schedule milestone within 90 days
 - F. Late reports (more than 30 days)
 - G. Failure to accurately report noncompliance
 - H. Any other violation determined by POTW
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- A. Chronic violations of wastewater discharge limitations (66 percent or more of all measurements exceed the daily maximum or the long-term average limit for the same pollutant parameter).
 - B. Technical Review Criteria (TRC) violations (33 percent or more of all measurements exceed 1.2 times the limit for toxics or 1.4 times the limit for BOD, TSS and O&G).
 - C. Any other violation of an effluent limit that the Control Authority determines has caused, either alone or in combination with other discharges, pass through, or interference.
 - D. Any discharge that causes endangerment to human health, welfare, or the environment, or causes the POTW to exercise its emergency authority to halt or prevent such discharge.
 - E. Failure to meet a compliance schedule milestone date or enforcement order within 90 days after the scheduled date for starting construction, completing construction, or attaining final compliance.

F. Reports that are more than 30 days late (e.g., BMRs, 90-day reports, periodic reports, and compliance schedule milestone reports).

G. Failure to accurately report noncompliance.

H. Any violations determined to adversely affect the operation or implementation of the pretreatment program.

3. Range of Enforcement Responses.

A. Unauthorized Discharges (no permit)

<u>Non-Compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Responses</u>	<u>Personnel</u>
Unpermitted discharge	IU unaware of requirement; no harm to POTW/ environment	Phone call; NOV with application form	PO
	IU unaware of requirement; no harm to POTW	AO with fine Civil action	PO VB
	Failure to apply continues after notice by POTW	Civil action Criminal investigation Terminate service	VB VB VB
Non-permitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	Phone call; NOV	PO

B. Discharge Limit Violation

<u>Non-Compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Responses</u>	<u>Personnel</u>
Exceedance of local or Federal standard (permit limit)	Isolated, not significant	Phone call; NOV	LT, PO
	Isolated, significant (no harm)	AO to develop spill prevention plan and fine	PO
	Isolated, harm to POTW or environment	Show cause order Civil action	PO, VB VB

Recurring, no harm to POTW/environment	AO with fine	PO
Recurring, significant (harm)	AO with fine Show cause order Civil action Terminate service	PO PO, VB VB VB

C. Monitoring and Reporting Violations

<u>Non-Compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Responses</u>	<u>Personnel</u>
Reporting Violation	Report is improperly signed or certified	Phone call or NOV	PO
	Report is improperly signed or certified after notice by POTW	AO Show cause order	PO PO, VB
	Isolated, not significant (e.g. 5 days late)	Phone call; NOV	LT, PO
	Significant (e.g. report more than 30 days late)	AO to submit with fine per additional day	PO
	Reports are always late or no reports at all	AO with fine Show cause order Civil action	PO PO, VB VB
	Failure to report spill or changed discharge (results in harm)	NOV	PO
	Repeated failure to report spill or changed discharge (results in harm)	AO with fine Civil action	PO VB
	Repeated failure to report spills	Show cause order Terminate service	PO, VB VB
	Falsification	Criminal investigation Terminate service	VB VB
Failure to monitor correctly	Failure to monitor all pollutants as required by permit	NOV or AO	PO

	Recurring failure to monitor	AO with fine Civil action	PO VB
Improper sampling	Evidence of intent	Criminal investigation Terminate service	VB VB
Failure to install monitoring equipment	Delay of less than 30 days	NOV	PO
	Delay of 30 days or more	AO to install with fine for each additional day	PO
	Recurring violation of AO	Civil action Criminal investigation Terminate service	PO VB VB
Compliance	Missed milestone by less than 30 days, or will not affect final milestone (good cause for delay)	NOV or AO with fine	PO
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	Show cause order Civil action Terminate service	PO, VB VB VB
	Recurring violation or violation of schedule in AO	Civil action Criminal investigation Terminate service	VB VB VB

D. Other Permit Violations

<u>Non-Compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Responses</u>	<u>Personnel</u>
Waste streams are diluted in lieu of treatment	Initial violation	AO with fine	PO
	Recurring	Show cause order Terminate service	PO, VB VB

Failure to mitigate non-compliance or halt production	Does not result in harm	NOV	PO
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	Does result in harm	AO with fine Civil action	PO VB
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Failure to properly operate and maintain pretreatment facility	Does not result in harm	NOV	PO
	Does result in harm	AO with fine Civil action	PO VB

E. Violations Detected During Site Visits

<u>Non-Compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Responses</u>	<u>Personnel</u>
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Entry denial	Entry denied or consent withdrawn; copies of records denied	Obtain warrant and return to IU	LT
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Illegal discharge	No harm to POTW or environment	AO with fine	PO
	Discharges cause harm or evidence of intent/negligence	Civil action Criminal investigation	VB VB
	Recurring, violation of AO	Terminate service	VB

Improper sampling	Unintentional sampling at incorrect location	NOV	LT, PO
	Unintentionally using incorrect sample type	NOV	LT, PO
	Unintentionally using incorrect sample collection techniques	NOV	LT, PO

Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	LT, PO
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	Recurring	AO with fine	PO
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Failure to report additional monitoring	Inspector finds additional files	NOV	LT, PO
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	Recurring	AO with fine	PO
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4. Time Frames for Responses.

- A. All violations will be identified and documented within ten days of receiving compliance information.
- B. Initial enforcement responses, involving contact with the industrial user and requesting information on corrective or preventative actions, will occur within 15 days of violation detection.
- C. Follow-up actions for continuing violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.
- D. Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
- E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.
- F. The Pretreatment Officer shall carry out actions 4A-E.

5. A. Description of Enforcement Options.

This section provides a definition of the different types of enforcement actions that will be taken for various violations and also how and by what means the Villages of Carthage and West Carthage will proceed in taking these actions.

B. Phone Call.

This type of enforcement option will be used to obtain information quickly. A phone call will be made to the industry's contact person by the Pretreatment Officer or the Chief Operator at the Wastewater Treatment Plant when there is reason to believe that a user has accidentally or intentionally discharged a wastewater that is or could be unpermitted or exceed local or federal standard discharge limits. Also, to obtain additional information regarding reports submitted by the user, a phone call will be made to the user. The Pretreatment Officer or the Chief Operator will make a written record of the details of the phone conversation, what action will have to be taken in the near future to remedy the situation, and place this in the appropriate user's file.

C. Notice of Violation.

A Notice of Violation will be issued by the Pretreatment Officer to the user when there has been an instance of an unauthorized discharge, an isolated exceedance of permit limits, or a minor monitoring and reporting violation, failure to monitor correctly, failure to install monitoring equipment, being late with a compliance schedule, failure to mitigate noncompliance, failure to halt production, failure to properly operate a pretreatment facility, improper sampling, or keeping inadequate records.

This enforcement option provides a good written record for the village in the event that enforcement procedures have to escalate. In some instances, the NOV may contain a simple compliance schedule for such things as re-sampling or revised procedures to prevent reoccurrence of the noncompliance.

D. Administrative Orders.

Administrative Orders (AO's) are enforcement documents which direct industrial users to undertake or to cease specified activities. This enforcement tool would involve a negotiated settlement between the village and the SIU in question. The order would take the form of an agreement, being signed by both the Pretreatment Officer and the WPCFMB Chairman or other suitable representative of the SIU. The AO may or may not contain a fine, depending on circumstances. If a fine were levied, it would be assessed in accordance with Article 11 of the Sewer Use Ordinance, which allows for civil penalties not exceeding \$1,000 per day per violation. In almost all cases, the AO will contain a compliance schedule for instituting procedures, modification of operations, equipment installation, etc. The AO will be initiated by the Pretreatment Officer and be brought to the attention of the Village Board and their attorney by the Pretreatment Officer with a recommendation for appropriate action.

E. Show Cause Order.

This action will be used as a step in conjunction with the action(s) previously listed above. Any proceedings under this enforcement action would be in accordance with Article 11 of the Sewer Use Ordinance. Under a Show Cause Order, the village will order the user to appear and show cause before the Village Board why a proposed enforcement action should not be taken. Testimony will be taken under oath and recorded stenographically. After review of all the evidence gathered, the Village Board may issue further orders and directives as necessary and appropriate. Initiation of a Show Cause Order will be by the Pretreatment Officer and followed through by the Village Board and their attorney in accordance with the above-referenced section of Article 11 of the Sewer Use Ordinance.

F. Civil Action.

Civil action may be used by the village in order to recover penalties or damages and is governed under Article 11 of the Sewer Use Ordinance. This enforcement response would be used in very severe cases where the village has suffered monetary expense or property damage, such as for SPDES permit violation fines, environmental damage, or damage to village owned facilities and for very serious violations by a user which have either gone uncorrected by previous village actions or in which the user is uncooperative in correcting the violation situation. Civil actions would be recommended by the Pretreatment Officer and followed through by the Village Board and the Village's legal counsel.

G. Termination of Service.

Termination of service is a last resort option which will be used in circumstances in which there is immediate danger to the village plant, personnel, the general public, or the environment. This enforcement option would be exercised in accordance with Article 11 of the Sewer Use Ordinance. Service could be terminated upon order of the Village Board to the user, if the user were cooperative; and if the user were not cooperative, the connection could be either plugged or physically severed. The Pretreatment Officer would initiate actions and secure the consent of the Village Board in accordance with the provisions of Article 11 of the Sewer Use Ordinance.

Article 4.- Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1997 of the ~~(County)(City)(Town)~~ (Village) of Carthage was duly passed by the Village Board on October 20, 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

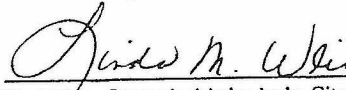
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____1____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: December 3, 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney

Title

~~XXXX~~

~~CH~~

~~XXXX~~

Village

of Carthage

Date: December 3, 1997

~~5. (City local law concerning Charter revision proposed by petition.)~~

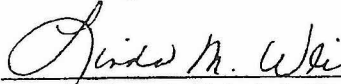
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

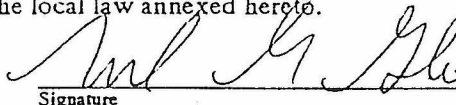
(Seal)

Date: December 3, 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Village Attorney

Title

XXXXXX

XXXX

XXXX

Village

of Carthage

Date: December 3, 1997

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effect of the violation on the receiving water
effect of the violation on the POTW
effect of the violation on the health and safety of the
POTW employees
compliance history of the User
good faith of the User

and shall promote consistent and timely use of enforcement remedies.

The Village of West Carthage Board shall approve the Enforcement Response Plan. The Enforcement Response Plan shall be reviewed at least every five years.

ADMINISTRATIVE REMEDIES

Section 1102 - Notification of Violation

Whenever the Superintendent finds that any User has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent, by the User. The correction and the action plan shall include specific actions. Submission of this plan in no way relieves the User of liability for any violations caused by the User before or after receipt of the Notice of Violation.

Section 1103 - Consent Orders

The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as an administrative order.

Section 1104 - Administrative or Compliance Orders

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When the Superintendent finds that a User has violated or continues to violate this Law or a permit or administrative order issued thereunder, he may issue an administrative order to the User responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The User may, within fifteen (15) calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions.
- (2) Modify or suspend the order, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1105 - Administrative Fines

Notwithstanding any other section of this Law, any User who is found to have violated any provision of this Law, or a wastewater discharge permit or administrative order issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The User may, within fifteen (15) calendar days of notification of the Superintendent's notice of such fine, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions.

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(2) Modify or suspend the fine, or

(3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1106 - Cease and Desist Orders

When the Superintendent finds that a User has violated or continues to violate this Law or any permit or administrative order issued hereunder, the Superintendent may issue an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The User may, within fifteen (15) calendar days of the date the Superintendent mails notification of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

(1) Reject any frivolous petitions,

(2) Modify or suspend the order.

(3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1107 - Termination of Permit

Any User who violates the following conditions of this Law or a wastewater discharge permit or administrative order, or any applicable State and Federal law, is subject to permit termination:

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- (1) Violation of permit conditions
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge
- (3) Failure to report significant changes in operations or wastewater constituents and characteristics
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

Non-compliant industrial Users will be notified, by registered mail, of the proposed termination of their wastewater permit.

The User may, within fifteen (15) calendar days of the date the Superintendent mails such notification, petition the Superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions,
- (2) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1108 - Water Supply Severance

Whenever a User has violated or continues to violate the provisions of this Law or an order or permit issued hereunder, water service to the User may be severed and service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

The User may, within fifteen (15) calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (1) Reject any frivolous petitions.

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- (2) Reconnect the water supply, or
- (3) Order the petitioner to show cause in accordance with Section 1109 and may as part of the show cause notice request the User to supply additional information.

Section 1109 - Show Cause Hearing

The Superintendent may order any User appealing administrative remedies for violations of this Law to show cause, before the Village of West Carthage Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Village of West Carthage Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Village of West Carthage Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least ten (10) calendar days before the hearing in accordance with Section 1111 of this Article. Service shall be made on any principal or executive officer of a User's establishment or to any partner in a User's establishment. The notice of the hearing shall be served at least ten (10) calendar days before the hearing, in accordance with Section 1111.

The Village of West Carthage Board may itself conduct the hearing, or may designate any of its members or any officer or employee of the Village of West Carthage to conduct the hearing:

- (1) Issue, in the name of the Village of West Carthage Board, notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence,
- (3) Take sworn testimony,
- (4) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village of West Carthage Board for action thereon.

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After the Village of West Carthage Board has reviewed the evidence and testimony, it may order the user to comply with the Superintendent's order or fine, modify the Superintendent's order or fine, or vacate the Superintendent's order or fine.

Section 1110 - Failure of User to Petition the Superintendent

In the event the Superintendent issues any administrative order, terminates the User's permit, or makes any fine as set forth in this article, and the User fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate sections of this article, the User shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Section 1111 - Notice

The notices, orders, petitions, or other notification which the User or Superintendent shall desire or be required to give pursuant to any sections of this Law shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid, and the notice, order, petition, or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order, or communication mailed to the User pursuant to the sections of this Law shall be mailed to the User where the User's effluent is discharged into transmission lines to the Village of West Carthage's POTW. Any notice, petition, or other communication mailed to the Superintendent shall be addressed and mailed to the Village Hall of the Village of West Carthage.

Section 1112 - Right to Choose Multiple Remedies

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this Article. The Superintendent may utilize more than one administrative remedy established pursuant to this Article, and the Superintendent may hold one show cause hearing combining more than one enforcement action.

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JUDICIAL REMEDIES

Section 1113 - Civil Actions For Penalties

Any person who violates any of the provisions of or who fails to perform any duty imposed by this Law, or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder, shall be liable to the Village of West Carthage for a civil penalty not to exceed one thousand dollars (\$1000) for each such violation, to be assessed after a hearing (unless the User waives the right to a hearing) held in conformance with the procedures set forth in this Article. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Village of West Carthage attorney, or his designated attorney, at the request of the Superintendent in the name of the Village of West Carthage, in any court of competent jurisdiction giving preference to courts local to the Village of West Carthage. In addition to the above described penalty, the Superintendent may recover all damages incurred by the Village of West Carthage from any persons or Users who violate any provisions of this Law, or who fail to perform any duties imposed by this Law or any administrative order or determination of the Superintendent promulgated under this Law, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Village of West Carthage in enforcing the provisions of this Article, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

In determining the amount of civil penalty, the court shall take into account all relative circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other relative factors as justice may require.

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Such civil penalty may be released or compromised by the Superintendent before the matter has been referred to the Village of West Carthage attorney, and where such matter has been referred to the Village of West Carthage attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the Village of West Carthage attorney, with the consent of the Superintendent.

Section 1114 - Court Orders

In addition to the power to assess penalties as set forth in this Article, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this Article, to seek an order:

- (1) Suspending, revoking, or modifying the violator's Wastewater Discharge Permit, or
- (2) Enjoining the violator from continuing the violation.

Any such court order shall be sought in an action brought by the Village of West Carthage attorney, at the request of the Superintendent, in the name of the Village of West Carthage, in any court of competent jurisdiction giving precedence to courts local to the Village of West Carthage.

The Village of West Carthage attorney, at the request of the Superintendent shall petition the Court to impose, assess, and recover such sums imposed according to this Article. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Section 1115 - Criminal Penalties

Any person who willfully violates any provision of this Law or any final determination or administrative order of the Superintendent made in accordance with this Article shall be guilty of a Class A

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Misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one (1) year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

No prosecution, under this Section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

Section 1116 - Additional Injunctive Relief

Whenever a User has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Superintendent, through counsel may petition the Court, in the name of the Village of West Carthage, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the Superintendent.

Section 1117 - Summary Abatement

Notwithstanding any inconsistent provisions of this Law, whenever the Superintendent finds, after investigation, that any User is causing, engaging in, or maintaining a condition or activity which, in the judgement of the Superintendent, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in severe damage to the POTW or the environment, and

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it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such User by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a User's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) calendar days, the Superintendent shall provide the User an opportunity to be heard, in accordance with the provisions of this Article.

If the User is not within the geographic boundaries of the Village of West Carthage the right of summary abatement to discontinue, abate, or alleviate conditions or activities shall be those prescribed in the inter-municipal agreement.

The Superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW or the environment.

MISCELLANEOUS

Section 1118 - Delinquent Payments

If there shall be any payments which are due to the Village of West Carthage, or any Department thereof, pursuant to any Article or Section of this Law, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Village of West Carthage, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to thirty percent (30%) of the original bill.

In the event that there are any sewer taxes, assessments, or other service charges which shall have been delinquent for a period of at least sixty (60) calendar days as of March 28 of any year, the

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Village Clerk shall report the names of the defaulting persons to the Village of West Carthage Mayor, on or before March 15 of the same year. The Village of West Carthage Clerk is hereby directed to add the entire amount of the sewer tax, assessment, or other service charge which shall be in default, plus penalty and interest, as provided for in this Law, to the real property taxes due and owing to Village of West Carthage in the next succeeding year, and the Village of West Carthage Clerk is directed to collect the same in the same manner as real property taxes due and owing to the Village of West Carthage are collected.

Section 1119 - Performance Bonds

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder unless such User first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

Section 1120 - Liability Insurance

The Superintendent may decline to reissue a permit to any User which has failed to comply with the provisions of this Law or any order or previous permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

Section 1121 - Informant Rewards

The Superintendent is authorized to pay up to \$500 for information leading to the discovery of noncompliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, the Superintendent is authorized to disperse up to ten (10) percent of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$10,000, including the discovery reward.

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Section 1122 - Public Notification

The Superintendent Shall provide public notification, in the daily newspaper with the largest circulation in the Village of West Carthage, of Users which were in significant non-compliance of local or Federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year.

Section 1123 - Contractor Listings

(1) Users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Village of West Carthage.

(2) Existing contracts for the sale of goods or services to the Village of West Carthage held by a User found to be in significant violation with pretreatment standards may be terminated at the discretion of the Village of West Carthage Board.

END OF ARTICLE 11

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ARTICLE 12

CHARGES

Section 1201 - Normal Sewage Service Charges
Section 1202 - Surcharge for Abnormal Sewage
Section 1203 - Total Sewer Service Charge
Section 1204 - Segmenting the POTW
Section 1205 - Measurement of Flow
Section 1206 - Billing Period
Section 1207 - Pretreatment Program Costs
Section 1208 - Charges for Trucked and Hauled Wastes
Section 1209 - Capital Recovery
Section 1210 - Collection of Charges
Section 1211 - Fiscal Year for System
Section 1212 - Impact Fees
Section 1213 - Use of Revenues
Section 1214 - Records and Accounts

Section 1201 - Normal Sewage Service Charges

According to the following contracts:

Village of West Carthage and Climax Manufacturing Corporation	9/25/69
Village of West Carthage and Carthage Central School	1/11/71
Village of Carthage and Crown Zellerbach (now James River) Corporation	9/15/69
Village of Carthage and Village of West Carthage	9/15/69
Village of Carthage and Village of West Carthage	2/28/83
Village of Carthage and James River Corporation	7/22/91
Village of West Carthage and Climax Manufacturing Corporation	7/24/91
Village of West Carthage and Carthage Central School	9/17/91

Capital costs of the POTW which commenced operation 4/10/75 are distributed to:

Village of Carthage.....	24.4%
Village of West Carthage.....	11.8%

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James River Corporation.....39.8%
Climax Manufacturing Corporation.....21.8%
Carthage Central Schools..... 2.2%

Capital costs of the sludge dewatering and stabilization facilities scheduled for completion 4/01/93 are distributed to:

Village of Carthage.....12%
Village of West Carthage..... 6%
James River Corporation.....40%
Climax Manufacturing Corporation.....40%
Carthage Central Schools..... 2%

Language exists in the contracts of 7/22/91, 7/34/91 and 9/17/91 which provides for extra compensatory charges should James River Corporation and Climax Manufacturing Corporation (industrial) or the Village of Carthage, Village of West Carthage and Carthage Central School exceed above per-cent contributions based on the solid formula:

Total solids(lb) = suspended solids(lb) + .05 BOD (lb) and minimum solids contributions of industrial or municipal wastestreams.

According to the agreements, operation and maintenance costs are assigned to:

Village of Carthage
Village of West Carthage
James River Corporation
Climax Manufacturing Corporation
Carthage Central School

as a percentage of the total operation and maintenance budget. Such per-cent is aggregate of the following three (3) factors:

- (1) percentage flow (weighted 31%)
- (2) percentage BOD (weighted 34%)
- (3) percentage suspended solids (weighted 35%)

percentage derived from actual contributions of above parameters in a given calendar year are applied to the following budget year's operation and maintenance expenses.

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All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent.

The Village of West Carthage hereby establishes sewer rents for the Village Sewage System and facilities and imposes such Sewer Rents as a charge on the real property within the Village of West Carthage using such Sewage System.

- A. Sewer Rents shall be collected from the owners of real property which are connected to any portion of the Village Sewage System.
- B. The owners of such properties to which metered water service is furnished by the Village of West Carthage shall be charged a maximum Sewer Rent equivalent to two hundred percent (200%) of the total water bill based on the water rates as then established. Such Sewer Rents shall be billed and be due on a quarterly basis, as of January 1, April 1, July 1 and October 1 of each year and shall be payable at the Village Clerk's office.
- C. Properties served by the Village Sewage System but which receive water from an unmetered supply and properties which contribute to the Village Sewage System an amount of Sewage substantially less or substantially greater than the amount of water supplied to the premises shall be charged a Village Sewer Rent determined on an equitable basis by the Village Board of Trustees.
- D. Sewer Rents shall be determined if not paid within thirty (30) days after the date of billing. A ten percent (10%) penalty shall be added to any bill that is delinquent and unpaid as of such due date.
- E. Sewer Rents shall be reviewed annually by the Village Board of Trustees to determine, on the basis of revenues and expenses of the Village Sewage System, whether such rates should be increased or decreased and, in the case of properties of unmetered water service, whether such charges are equitable.

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Section 1202 - Surcharge for Abnormal Sewage

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge equal to extra costs of operation and maintenance of the Village of West Carthage Sewage System and POTW as determined by the Superintendent and approved by the Village of West Carthage Board.

Section 1203 - Total Sewer Service Charge

The total sewer service charge, (which shall be called the "User Charge"), is comprised of two parts, as follows:

Normal Sewage Service Charge + Surcharge for Abnormal Sewage

Section 1204 - Segmenting the POTW

The service area of the POTW may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

Section 1205 - Measurement of Flow

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the Village of West Carthage Water Department. In the event that a person discharging wastes into the POTW produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from un-metered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring

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devices installed pursuant to this Section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

Section 1206 - Billing Period

The Billing Period shall be quarterly for industrial and non-industrial users.

Section 1207 - Pretreatment Program Costs

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the User, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals
- (8) application for consistent removal status as outlined in 40 CFR 403
- (9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government.

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Section 1208 - Charges for Trucked and Hauled Wastes

The charge for dumping septage into the POTW shall be \$20.00 per 1000 gallons dumped. The manner of determining the volume dumped shall be at the discretion of the Superintendent.

Section 1209 - Capital Recovery

The Village of West Carthage may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the POTW.

Section 1210 - Collection of Charges

Provisions of Article 11 of this Law relating to the collection of penalties shall apply to the collection of Sewer Service Charges and Abnormal Sewage Service Surcharges, unless where otherwise provided by application of the Sewer Rent Law by Village of West Carthage.

Section 1211 - Fiscal Year for System

The POTW shall be operated on the basis of a fiscal year commencing on the first day of March and ending on the last day of February.

Section 1212 - Impact Fees

The Village of West Carthage Board shall have the authority to impose impact fees on new development, which development may:

- (1) - cause enlargement of the service area of the POTW
- (2) - cause increased hydraulic and/or treatment demands on the POTW

Section 1213 - Use of Revenues

Revenues derived from user charges and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

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- (a) For the payment of the operation and maintenance, including repair and replacement costs of the Village of West Carthage Sewage System and POTW,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction or extension of the Village of West Carthage Sewage System, POTW and
- (d) For the extension, enlargement, replacement of, and/or additions to the Village of West Carthage POTW, including any necessary appurtenances.

Section 1214 - Records and Accounts

The Village of West Carthage shall maintain and keep proper books and records and accounts for the POTW, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the POTW. The Village of West Carthage will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request.

In conjunction with the audit, there shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

Classification of old and new industrial users should also be reviewed annually.

The Village of West Carthage shall maintain and carry insurance on all physical properties of the POTW, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

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END OF ARTICLE 12

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ARTICLE 13

PUBLIC DISCLOSURE OF POTW OPERATIONS

Section 1301- POTW Operations Open to the Public
Section 1302- Procedural Requirements Available
Section 1303- Validity Through Public Inspection

Section 1301- POTW Operations Open to the Public

It shall be the policy of the Village of West Carthage Board to conduct all business with full disclosure to the public.

Section 1302- Procedural Requirements Available

The nature and requirements of all formal procedures for applying for a permit and for requesting a permit under this Law and for requesting a hearing shall be formulated by the Village of West Carthage and be made available to any resident of the Village of West Carthage upon request.

Section 1303- Validity Through Public Inspection

The Village of West Carthage shall formulate procedures to make available to the public for inspection such orders, statements of policy, and interpretations used by the Village of West Carthage in administration of this Law. No rule, regulation, or civil order shall be valid until it has been available for public inspection.

END OF ARTICLE 13

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ARTICLE 14

CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND APPLICABILITY

Section 1401- Conflicts
Section 1402- Severability
Section 1403- Effective Date
Section 1404- Applicability

Section 1401- Conflicts

The provisions of any local law specifically, "Local Law #4-1988", in conflict with any provision of this Law are hereby repealed.

Section 1402- Severability

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.

Section 1403- Effective Date

This law shall take effect 30 days after its filing in the office of the Secretary of State.

Section 1404- Applicability

Articles 1, 3, 4, 8, 11, 12, 13 and 14 shall apply in all incorporated areas of the Village of West Carthage. Articles 3, 5, 6, 7, 9 and 10 shall apply only in incorporated areas of the Village of West Carthage which are also within the service area of the POTW.

END OF ARTICLE 14

END OF LAW

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APPENDIX

Parameters of Concern

- Class A - Halogenated Hydrocarbons
- Class B - Halogenated Organics (Other than Hydrocarbons)
- Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Glimicides and Mildewcides)
- Class D - Aromatic Hydrocarbons
- Class E - Tars
- Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated)
- Class G - Miscellaneous
- Class M - Metals and their Compounds

Class A - Halogenated Hydrocarbons

- A01. Methyl Chloride
- A02. Methylene Chloride
- A03. Chloroform
- A04. Carbon Tetrachloride
- A05. Freon/Genatron
- A06. Other Halomethanes
- A07. 1,1,1-Trichloroethane
- A08. Other Haloethanes
- A09. Vinyl Fluoride
- A10. Vinyl Chloride
- A11. Dichloroethylene
- A12. Trichloroethylene
- A13. Tetrachloroethylene
- A14. Chlorinated Propane
- A15. Chlorinated Propene
- A16. Hexachlorobutadiene
- A17. Hexachlorocyclopentadiene
- A18. Chlorinated Benzene
- A19. Chlorinated Toluene
- A20. Fluorinated Toluene
- A21. Polychlorinated Biphenyl (PCB)
- A22. Chlorinated Naphthalene

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- A23. Dicumylane ($C_{10}Cl_{12}$)
- A24. Hexachlorocyclohexane (BHC)
- A99. Halogenated Hydrocarbons Not Specified Above

Class B - Halogenated Organics (Other than Hydrocarbons)

- B01. Phosgene
- B02. Methyl Chloromethyl Ether
- B03. Bis-Chloromethyl Ether
- B04. Other Chloroalkyl Ethers
- B05. Benzoyl Chloride
- B06. Chlorothymol
- B07. Chlorinated Phenol
- B08. Chlorinated Cresols or Xylenols
- B09. Chloroacetic Acid
- B10. Chloroaryl Ethers
- B11. Dichlorophene or Hexachlorophene
- B12. Chlorinated Aniline (Including Methylene Bis (2-Chloroaniline))
- B13. Dichlorobenzidine
- B14. Chlorinated Diphenyl Oxide
- B15. Chlorinated Toluidine
- B16. Kepone ($C_{16}Cl_{10}O$)
- B17. Dichlorovinyl Sulfonyl Pyridine
- B18. Chloropicrin
- B19. Trichloromethyl Thio-Phthalimide
- B20. Trichloro-Propylsulfonyl Pyridine
- B21. Tetrachloro-Methylsulfonyl Pyridine
- B22. Tetrachloro-Isophthalonitrile
- B99. Halogenated Organics Not Specified Above

Class C - Pesticides (Includes Herbicides, Algaecides, Biocides, Slimicides and Mildewcides)

- C01. Aldrin/Dieldrin
- C02. Chlordane and Metabolites

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- C03. DDT and Metabolites
- C04. Endosulfan/Thiodan and Metabolites
- C05. Endrin and Metabolites
- C06. Heptachlor and Metabolites
- C07. Malathion
- C08. Methoxychlor
- C09. Parathion
- C10. Toxaphene
- C11. Sevin
- C12. Kelthane
- C13. Diazinon
- C14. Difluthane
- C15. Carbaryl
- C16. Silvek
- C17. Dithiocarbamates
- C18. Maneb
- C19. Disoxathion
- C20. Tandex/Karbutilate
- C21. Carbofuran
- C22. Pentac
- C23. Folpet
- C24. Dichlorone
- C25. Rotenone
- C26. Lindane/Isotox
- C27. Simazine
- C28. Methoprene
- C99. Pesticides Not Specified Above

Class D - Aromatic Hydrocarbons

- D01. Benzene
- D02. Toluene
- D03. Xylene
- D04. Biphenyl
- D05. Naphthalene
- D06. Ethylbenzene
- D07. Styrene
- D08. Acenaphthene

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D09. Fluoranthene

D99. Aromatic Hydrocarbons Not Specified Above

Class E - Tars

E01. Coal Tar

E02. Petroleum Tar

E99. Tars Not Specified Above

Class F - Substituted Aromatics (Other than Hydrocarbons and Non-Halogenated)

F01. Phenol, Cresol or Xylencol

F02. Catechol, Resorcinol, or Hydroquinone

F03. Nitrophenols

F04. Nitrobenzenes

F05. Nitrotoluenes

F06. Aniline

F07. Toluidines

F08. Nitroanilines

F09. Nitroanisole

F10. Toluene Diisocyanate

F11. Dimethylaminoazobenzene

F12. Benzoic Acid (and Benzoate Salts)

F13. Phthalic, Isophthalic or Terephthalic Acid

F14. Phthalic Anhydride

F15. Phthalate Esters

F16. Phenoxyacetic Acid

F17. Phenylphenols

F18. Nitrobiphenyls

F19. Aminobiphenyls (Including Benzidine)

F20. Diphenylhydrazine

F21. Naphthylamines

F22. Carbazole

F23. Acetylaminofluorene

F24. Dyes and Organic Pigments

F21. Pyridine

F99. Substituted Aromatics Not Specified Above

Class G - Miscellaneous

G01. Asbestos
G02. Acrolein
G03. Acrylonitrile
G04. Isophorone
G05. Nitrosamines
G06. Ethylenimine
G07. Propiolactone
G08. Nitrosodimethylamine
G09. Dimethylhydrazine
G10. Maleic Anhydride
G11. Methyl Isocyanate
G12. Epoxides
G13. Pyrofurans
G14. Cyanide

Class M - Metals and Their Compounds

M01. Antimony
M02. Arsenic
M03. Beryllium
M04. Cadmium
M05. Chromium
M06. Copper
M07. Lead
M08. Mercury
M09. Nickel
M10. Selenium
M11. Silver
M12. Thallium
M13. Zinc

M99. Metals Not Specified Above

ATTACHMENT

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